



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,633	01/26/2004	Eugene B. Pollock	CUMB 8702US	2276
1688	7590	01/06/2006	EXAMINER	
POLSTER, LIEDER, WOODRUFF & LUCCHESI 12412 POWERSCOURT DRIVE SUITE 200 ST. LOUIS, MO 63131-3615			BOCHNA, DAVID	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 01/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/765,633	POLLOCK ET AL.
	Examiner	Art Unit
	David E. Bochna	3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 01 November 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-42, 44-50 and 62 is/are pending in the application.
- 4a) Of the above claim(s) 1-20, 22-24, 26-29, 31-33, 38, 40 and 62 is/are withdrawn from consideration.
- 5) Claim(s) 35-37, 39 and 44-48 is/are allowed.
- 6) Claim(s) 21, 25, 30, 34, 41 and 42 is/are rejected.
- 7) Claim(s) 49-50 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 21, 25, 30, 34 and 41-42 are rejected under 35 U.S.C. 102(b) as being anticipated by Pfister.

In regard to claim 21, Pfister discloses a tube coupling mechanism 20 (“for rotationally aligning and positively rotationally fixing two adjacent pipe segments of an animal drinking system relative to each other; said pipe segments being hollow to allow the passage of fluid therethrough and comprising at least one outlet positioned on a wall of said pipe segment along the length of said pipe segments” is considered intended use as only the tube coupling mechanism is being positively recited. The pipe segments are not considered part of the claimed invention, as long as the tube coupling 20 is capable of coupling two pipe segments, the tube coupling 20 is considered to anticipate the claimed invention); said coupling mechanism 20 comprising a tube having opposed opened ends, said tube being sized and shaped to axially and slidingly receive said pipes segments in the opposed opened ends of said tube; a seal 56 (see col. 4, lines 5-7) to form a fluid tight seal between said pipe segments and said tube; and a keying element 40 which engages ends of said pipe segments to rotationally align and rotationally fix adjacent pipe segments relative to each other such that said at least one outlet of each of said two pipe segments are rotationally aligned.

In regard to claim 25, the keying element 40 is separate from the pipe segments; the pipe segments 22 comprising an opening 42 at the ends of the pipe segments to receive the keying element.

In regard to claim 30, wherein the keying element 42 is integral the tube 20 and extends from a surface of the tube.

In regard to claim 34, the keying element comprises a rib 40 extending axially along a surface of the tube; the opening in the pipe segment comprising a slot 42 extending inwardly from an end of the pipe segment.

In regard to claim 41, Pfister discloses a coupler ("for rotationally fixing two adjacent pipe segments of an animal drinking system relative to each other; said pipe segments comprising a wall defining a passage aligning and through which fluid can flow, at least one fluid outlet positioned along the length of said wall; and a slot at least one end of said wall" is considered intended use); said coupler comprising a hollow tube 20 defined by a wall having an inner and outer surface; said tube being sized and shaped to telescopically mate with and seal against said pipe segments; said tube comprising a key 40 sized and shaped to engage said pipes; said key comprising at least one axially extending leg 40 extending from said wall; said coupler leg and said slots of said pipe segments being sized and shaped such that said coupler leg engages said pipe segment slots 42; such that when said pipe segments are mated with said coupler, said outlets of said two pipe sections will be rotationally aligned with each other.

In regard to claim 42, the key comprises two axially extending legs 40, the legs being spaced apart from each other.

Response to Arguments

3. Applicant's arguments with respect to claims 21, 25, 30, 34 and 41-42 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

4. Claims 35-37, 39 and 44-48 are allowed.

5. Claims 49-50 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David E. Bochna
Primary Examiner
Art Unit 3679